

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
OCT 07 2021
SEAN F. McAVOY, CLERK
DEPUTY
SPOKANE WASHINGTON

IN THE MATTER OF)
)
THE EXTRADITION OF)
)
PEDRO MACHUCA HERNANDEZ)

Case No. 2:21-mj-00486-JTR

COMPLAINT FOR PROVISIONAL ARREST
WITH A VIEW TOWARDS EXTRADITION
(18 U.S.C. § 3184)

I, the undersigned Assistant United States Attorney, being duly sworn, state
on information and belief that the following is true and correct:

1. In this matter, I represent the United States in fulfilling its treaty obligation to Mexico.
2. There is an extradition treaty in force between the United States and Mexico, Extradition Treaty Between the United States of America and the United Mexican States, U.S.-Mex., May 4, 1978, 31 U.S.T. 5059; *as amended by* Protocol to the Extradition Treaty Between the United States of America and the United Mexican States of May 4, 1978, U.S.-Mex., Nov. 13, 1997, S. TREATY DOC. NO 105-46 (1998) (collectively referenced hereafter as the “Treaty”).

3. The Treaty provides in Article 11 for the provisional arrest and detention of

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alleged fugitives pending the submission of a formal request for extradition and supporting documents.

4. In accordance with Article 11 of the Treaty, the Government of Mexico has asked the United States for the provisional arrest of PEDRO MACHUCA HERNANDEZ (“MACHUCA HERNANDEZ”) with a view towards his extradition.

5. According to the information provided by the Government of Mexico, MACHUCA HERNANDEZ was charged with Aggravated Homicide with Advantage, in violation of Articles 285, 301 section II, and 302, and punishable by Article 291, of the Criminal Code for the State of Oaxaca.

6. This offense was committed within the jurisdiction of Mexico. A warrant for MACHUCA HERNANDEZ’s arrest was issued on August 11, 2013, by the Control Judge for Pre-Trial Proceedings in the Judicial District of Huajuapan de León, Oaxaca, Mexico.

7. The provisional arrest request presents the following facts as the basis for the criminal charges and arrest warrant:

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a. MACHUCA HERNANDEZ is accused of killing Fausto Ricardo Soriano Lopez (“Soriano Lopez”) with a firearm on June 10, 2013, in the city of Huajuapan, Oaxaca, Mexico.

b. According to a statement provided to Mexican authorities by Soriano Lopez’s wife, Juana Baciliza Guzman (“Baciliza Guzman”), Soriano Lopez left their home on the morning of June 10, 2013, to work on the family farmland. Their son, Fausto Aurelio Soriano Guzman (“Soriano Guzman”), decided to join his father at work that day and left the home shortly after Soriano Lopez. Not long after Soriano Guzman left the home, Baciliza Guzman heard approximately five-to-six gunshots. When she looked towards the sound, she saw her son standing in the street and a man lying on the ground. She walked towards her son and realized the person on the ground was her husband, Soriano Lopez, who appeared to be dead. Baciliza Guzman asked Soriano Guzman who killed her husband, and he replied that MACHUCA HERNANDEZ did it with a firearm and then ran away from the scene.

c. Baciliza Guzman also told authorities that she was aware of several previous threats MACHUCA HERNANDEZ had made against her husband. She

said that, in the past, MACHUCA HERNANDEZ had come to their home holding a firearm and threatening Soriano Lopez.

d. In a sworn statement provided by Soriano Guzman to the prosecutor, Soriano Guzman stated that, on the morning of June 10, 2013, he and his father were walking to work, and when he was about fifty (50) meters behind his father, they saw MACHUCA HERNANDEZ, who was carrying a firearm in his right hand. MACHUCA HERNANDEZ stopped Soriano Lopez and pointed the gun at him from about three (3) meters away. MACHUCA HERNANDEZ said, "Don't move, you fucker," and then shot Soriano Lopez several times before running away from the scene. Soriano Guzman decided to stay with his father, who seemed to be dead, instead of chasing MACHUCA HERNANDEZ. Baciliza Guzman arrived shortly after the shooting, and Soriano Guzman told her that MACHUCA HERNANDEZ had shot his father.

e. An autopsy was performed on Soriano Lopez, and a June 11, 2013, report concluded that he had died from massive internal bleeding caused by cardiac lacerations caused by a gunshot wound.

f. Mexican authorities conducted identification proceedings with Baciliza Guzman and Soriano Guzman on April 4, 2019. Both witnesses identified

an image of MACHUCA HERNANDEZ as the person they knew by that name and who killed Soriano Lopez on June 10, 2013. Soriano Guzman told Mexican authorities that he had known MACHUCA HERNANDEZ for more than thirty (30) years because they had lived in the same town.

8. The offense with which MACHUCA HERNANDEZ is charged is provided for in Article 2(1) and Item 1 of its Appendix, as well as article 2(3) of the Treaty.

9. United States law enforcement has determined that MACHUCA HERNANDEZ may be found within the jurisdiction of this Court at his residence in Pasco, Washington.

10. The Government of Mexico has represented that it will submit a formal request for extradition supported by the documents specified in the Treaty, within the time required under Article 11(3) of the Treaty.

11. MACHUCA HERNANDEZ would be likely to flee if he learned of the existence of a warrant for his arrest.

WHEREFORE, the undersigned requests that a warrant for the arrest of the aforementioned person be issued in accordance with 18 U.S.C. § 3184 and the extradition treaty between the United States and Mexico, and that this complaint and the warrant be placed under the seal of the Court, except as disclosure is

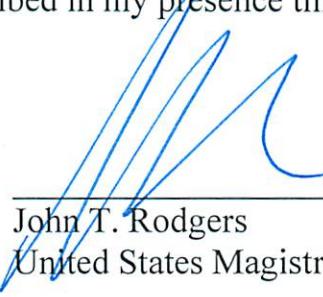
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needed for its execution, until such time as the warrant is executed.



Timothy J. Ohms
Assistant United States Attorney

Sworn to before me and subscribed in my presence this 7th day of
October 2021.



John T. Rodgers
United States Magistrate Judge

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